

Appl. No. 10/621,133
Amdt. Dated: March 4, 2005

• • R E M A R K S / A R G U M E N T S • •

Upon review of the application after receipt of the Notice of Allowance and Issue Fee(s) Due, applicants determined that the language of claim 1 should be amended as set forth herein to more clearly describe applicants' invention.

By the present amendment independent claim 1 has been changed to recite that the amount of butenedioic acid monoalkyl ester-copolymerized in the butenedioic acid monoalkyl ester-copolymerized acrylic elastomer is determined and that the compression set characteristics of the cross-linked product of the acrylic elastomer are improved.

These changes are supported by the description of the invention found on page 5 which describes the manner of monitoring the content of the unreacted ester in order to determine the amount of butenedioic acid monoalkyl ester that is copolymerized (and subsequently adjusting the amount of unreacted ester).

From page 5 and the overall description of the invention it becomes clear that the previous recitation of "determining an amount of butenedioic acid monoalkyl ester that will be copolymerized" was an error as the specification describes determining the amount of butenedioic acid monoalkyl ester copolymerized and uses this determination in the subsequent claimed step of "adjusting the amount of unreacted butenedioic acid monoalkyl ester in the acrylic elastomer."

Appl. No. 10/621,133
Amdt. Dated: March 4, 2005

Also, changing independent claim 1 to recite improving “compression set characteristics of cross-linking product of the acrylic elastomer” is clearly proper since compress set characteristics are measured after cross-linking has taken place.

MPEP §714.16 provides that:

... where amendments of the type noted are shown (A) to be needed for proper disclosure or protection of the invention, and (B) to require no substantial amount of additional work on the part of the Office, they may be considered and, if proper, entry may be recommended by the primary examiner.

In the present case it is submitted that the changes to independent claim 1 are proper after the Notice of Allowance has been mailed because the changes are needed for proper disclosure and protection of the invention.

Moreover the changes to independent claim 1 do not require any substantial amount of addition work, beyond a cursory review, by the Examiner.

The basis of patentability of the claimed invention does not change with the amendment and no further searching or examination is necessitated by the amendment.

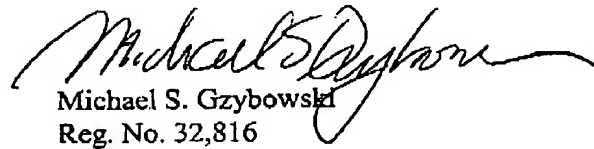
Accordingly, the present amendment is believed to be proper after Notice of Allowance and the Examiner is respectfully requested to consider and enter the amendment.

If upon consideration of the above, the Examiner should feel that there remain outstanding issues in the present application that could be resolved, the Examiner is invited to contact applicant's patent counsel at the telephone number given below to discuss such issues.

Appl. No. 10/621,133
Amdt. Dated: March 4, 2005

To the extent necessary, a petition for an extension of time under 37 CFR §1.136 is hereby made. Please charge the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 12-2136 and please credit any excess fees to such deposit account.

Respectfully submitted,



Michael S. Gzybowski
Reg. No. 32,816

BUTZEL LONG
350 South Main Street
Suite 300
Ann Arbor, Michigan 48104
(734) 995-3110

124666.1